

**State of Montana**  
Department of Labor & Industry  
Brian Schweitzer, Governor



Employment Relations Division

WC Regulation Bureau  
Independent Contractor Central Unit

The following is a list of suggested documentation considered by the Montana Department of Labor and Industry to demonstrate an independent contractor exemption certificate applicant is engaged in each occupation listed on their affidavit. An applicant must score 15 points for each different occupation listed. The Department has the discretion to assess the reliability of the documentation in order to award points for the items submitted up to the total points for each category. Possible point values are bracketed below. Please provide the Department with **photocopies** of the documentation you wish to submit.

<b>6 (or more) POINT CATEGORY</b>		<b>Maximum Point Value</b>
Workers' Compensation, Unemployment Insurance and Revenue accounts for employees (all three)		<b>10</b>
Memo of Understanding, contract evidencing Independent Contractor status or Emergency Equipment Rental Agreement <ul style="list-style-type: none"> <li>o payment based on a completed project basis</li> <li>o beginning and ending date of the contract</li> <li>o liability for failure to complete the project</li> <li>o identifies who provides the materials and supplies</li> <li>o a defined body of work, complete project, or end result</li> <li>o signatures by all parties</li> </ul>		<b>6</b>
General commercial liability insurance or bonding		<b>6</b>
List of tools and equipment with approximate value (must be signed and dated)		<b>6</b>
Business tax forms or records (IRS Schedules C, E, F or K – must be within the past two years)		<b>6</b>
Form 1099s (two different hiring agents and compensation amounts differing from IRS Schedules C, E, F or K)		<b>6</b>
Articles of incorporation, organization or annual report ( <b>which reflects ownership for a Manager-Managed LLC and Corporation only</b> )		<b>6</b>
Trucking company lease agreement		<b>6</b>
Documentation of prior ICE history (3 pts for each continuous 6 year period. 6 pts for up to 12 years) Maximum of 6 pts		<b>6</b>
<b>3 POINT CATEGORY</b>		
Partnership agreement ( <b>must be provided if marking partnership business structure</b> ) <ul style="list-style-type: none"> <li>o intent to form the partnership</li> <li>o contribution by all partners</li> <li>o a proprietary interest and right of control by the working partner</li> <li>o the sharing of profit/ loss</li> <li>o applicants role as a working partner</li> <li>o signatures by all parties</li> </ul>		<b>3</b>
Professional license or education certificate		<b>3</b>
City/county business license or permit		<b>3</b>
Registration of business name and structure with Montana Secretary of State		<b>3</b>
Business location documentation (lease or rental agreement or IRS form 8829)		<b>3</b>
Business bank account		<b>3</b>
Professional membership or affiliation		<b>3</b>
Advertising (internet website, newspaper, phone book or magazine)		<b>3</b>
Motor carrier number		<b>3</b>
Two or more completed bids, estimates, proposals or billing invoices		<b>3</b>
<b>1.5 POINT CATEGORY</b>		
Pre-printed forms, business card or brochure		<b>1.5</b>
Invoices billed to business name		<b>1.5</b>
Advertising using sign on vehicle, yard, bulletin board or flyer		<b>1.5</b>
Orders receipt for printed hats, shirts or other apparel, pens or pencils		<b>1.5</b>
Documented proof of federal employer identification number (FEIN, TEIN or TIN)		<b>1.5</b>
Business credit card or purchasing account		<b>1.5</b>
Business telephone or utility bill		<b>1.5</b>
Vehicle registration in business name		<b>1.5</b>
International fuel tax account number (IFTA)		<b>1.5</b>
Dunn & Bradstreet number		<b>1.5</b>